

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRANKIE LON HICKS,

Petitioner,

v.

JIM ROBERTSON, Warden,

Respondent.

Case No. 1:21-cv-01276-SKO-HC

ORDER GRANTING MOTION TO AMEND
TO NAME A PROPER RESPONDENT

Petitioner is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In the petition filed on August 23, 2021, Petitioner failed to name a respondent. Petitioner was granted leave to amend to name a proper respondent, and on September 24, 2021, Petitioner moved to amend the petition to name Jim Robertson, the warden of his institution, as Respondent in this matter. The state officer having custody of Petitioner is the proper respondent. Rule 2 (a) of the Rules Governing § 2254 Cases; Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996).

Accordingly, Petitioner's motion to amend the petition to name Jim Robertson, Warden, as Respondent is GRANTED.

IT IS SO ORDERED.

Dated: September 28, 2021

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28